

RUTGERS - THE STATE UNIVERSITY

PUBLIC POLICY FORUM
ON
CIVIL DISORDERS:
Causes and Remedies

Discussion Agenda

Discussion Group 5 - LAW ENFORCEMENT AND THE COURTS

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1. MACHINERY FOR THE ADEQUATE HANDLING OF CITIZEN COMPLAINTS
AGAINST THE POLICE SHOULD BE IMMEDIATELY ESTABLISHED.

The five-man board of police commissioners recommended in the report of the Governor's Select Commission on Civil Disorders, to be appointed by the mayor, would be an acceptable body to fulfill this function, provided such five-man board were representative of the whole Newark community and particularly the black community residing in Newark's Central Ward. Such a body should have subpoena powers and an adequate investigatory staff. Its recommendations should have binding effect.

2. THE MUNICIPAL COURT AS AN ENTITY SHOULD BE IMMEDIATELY
ABOLISHED AND ITS FUNCTIONS ABSORBED INTO THE COUNTY COURT
STRUCTURE.

It is recognized that such an alteration of court system would require the appropriation of funds for additional county court judges and ancillary space, equipment and personnel. It is nonetheless considered that immediate action to dissolve the municipal court is warranted, (a) for the proper administration of justice, and (b) for the repair and reconstruction of the image of justice which is presently had by a large segment of the ghetto community.

3. THERE SHOULD IMMEDIATELY BE CREATED THROUGH THE CIVIL SERVICE COMMISSION A GREATLY EXPANDED SYSTEM FOR TESTING APPLICANTS FOR POLICE POSITIONS.

This testing should include in-depth analysis of each applicant's personal stability and societal insights, to the end that racist elements may be eliminated before they enter upon police service.

4. THE PUBLIC DEFENDER SYSTEM OF NEW JERSEY SHOULD BE EXPANDED TO INCLUDE JUVENILE AND DISORDERLY PERSONS DEFENDANTS.

The assumption that disorderly persons offenses do not carry serious consequences for the defendant is erroneous. Such offenses can result in imprisonment up to a year, and in total disruption of the individual's economic and family life, and counsel should be available to all persons accused under the Disorderly Persons Statute.

5. ACTIVE RECRUITMENT OF BLACK AND PUERTO RICAN POLICE PERSONNEL SHOULD BE INITIATED AND EXPANDED.

For the successful outcome of this effort, it may be necessary (a) to establish classes designed to prepare the applicant for Civil Service examination, (b) to alter existing height-weight requirements, (c) to engage in vastly expanded serious dialogue with those segments of the black and Puerto Rican communities which are most disaffected presently. Such dialogue would have to go far beyond a recitation of the virtues of the police department and probe in depth the present grievances of the complaining community. Such dialogue would also necessarily have to be followed by a good faith effort to cure existing general grievances, in order to prepare the way for a climate in which recruits from the black and Puerto Rican communities could view themselves as joining a constructive force rather than a force for oppression.

6. EVERY EFFORT SHOULD BE BENT TOWARDS UPGRADING AND PROMOTION OF QUALIFIED BLACK POLICE PERSONNEL TO POSITIONS OF HIGH ECHELON RESPONSIBILITY.

7. ALL POLICE PERSONNEL SHOULD BE REQUIRED TO HAVE THEIR NAMES CLEARLY VISIBLE ON THEIR UNIFORMS, AND THEIR BADGE NUMBERS EXPOSED TO VIEW AT ALL TIMES.

8. MASTER PLANNING FOR FUTURE CIVIL DISTURBANCES SHOULD BE UNDERTAKEN IMMEDIATELY.

This should be geared towards creating a plan of operation which will minimize injury and death and create a system of controls under which responsibility is fixed ahead of time and under which the acts of police personnel during periods of civil disturbances can be properly and fully recorded, included but not limited to ammunition expended; weapons issued and utilized; arrests made; goods confiscated; injuries inflicted. Such a plan should include development of techniques for control which will utilize non-lethal weapons and which will create an absolute prohibition against the use of private weapons, para-military combat techniques and the utilization of excessive force.

9. TOWARD THE END THAT THE POLICE PERSONNEL MAY BE BOTH UPGRADED AND INTERGRATED, WAGES AND WORK CONDITIONS (INCLUDING PHYSICAL FACILITIES) SHOULD IMMEDIATELY BE IMPROVED SIMULTANEOUSLY WITH THE CREATION OF THE REVIEW SYSTEM DESCRIBED UNDER POINT I HEREOF, DESIGNED TO WEED OUT THOSE WHO ENGAGE IN CONDUCT VIOLATIVE OF THE CIVIL AND HUMAN RIGHTS OF THE CITIZENRY.